

Application No. 09/975,329
Paper Dated: April 5, 2004
In Reply to USPTO Correspondence of December 5, 2003
Attorney Docket No. 702-011760

REMARKS

The Office Action of December 31, 2003 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 19, 22, 25, 26 and 30, while claims 20, 27, 28, 33 and 34 remain unchanged. Claims 21, 23, 24, 29, 31, 32, 35 and 36 have been canceled. Additionally, in the specification the paragraph beginning on line 7 of page 8 has been amended to incorporate features found in the claims and added to Figure 1 and the Abstract has been amended. No new subject matter has been added by this Amendment.

On page 2 of the Office Action, the Examiner indicates that claims 23, 29, 31, 32, 35 and 36 are withdrawn from further consideration as being elected to non-elected species. Each of these claims is either directly or indirectly dependent upon independent claim 19 and in the event that claim 19 is allowed, then it is appropriate to return these claims to the application as allowable based upon their dependence on allowable base claim 19. Additionally, Applicant retains the right to present these claims in a divisional application.

On pages 2 and 3 of the Office Action, the Examiner objects to the Abstract. The Abstract has been amended and is now believed to have proper language and to be in the proper format.

On page 3 of the Office Action the Examiner rejects claims 19-22, 24-28, 30, 33 and 34 under 35 U.S.C. § 103(a) as being obvious from the teaching of U.S. Patent No. 5,533,594 to Trembley et al. (the Trembley patent) in view of the teaching of U.S. Patent No. 6,000,758 to Schaffner et al. (the Schaffner patent).

Claim 19 has been amended to include the limitations of claims 21, 24 and, in part, claim 26. Briefly summarizing, the subject invention as indicated in amended claim 19 is directed to a device for transporting persons along a staircase including, among other elements, a frame and a seat part which are connected to a guide mechanism for guiding the movement of the seat part relative to the frame. The guide mechanism comprises a rod construction coupled by means of hinges and the hinges in the rod construction form a parallelogram which as stated

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on page 3, lines 27-31 produces a space savings between the frame and the seat part and/or the back rest. This space savings through the use of a parallelogram frame is not available in the prior art of record.

In particular, the Trembley patent is directed to a chair lift with a positioning carriage and swivel mechanism having a safety interlock. As the Examiner admits in the Office Action, the Trembley patent does not disclose a chair having a seat part that could be pivoted up and down in a pivoting movement. However, the Examiner indicates that the details of the chairlift disclosed in the Schaffner patent, in combination with the chairlift disclosed in the Trembley patent, appear to disclose a pivoting lift chair. However, neither of these patents teach or suggest a device wherein the hinges of a rod construction form a parallelogram as found in amended claim 19. As a result, neither of these patents offer the space saving feature provided by such a parallelogram. For that reason, claim 19 is not believed to be obvious in view of the teaching of these references and is believed to be patentably distinct. Furthermore, by way of their dependence upon what is believed to be patentably distinct independent claim 19, claims 20, 22, 25-28, 30, 33 and 34 are themselves believed to be patentably distinct.

Reconsideration and allowance of claims 19, 20, 22, 23, 25-28, 30, 33 and 34 are respectfully requested.

Respectfully submitted,

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**ANNOTATED SHEET
SHOWING CHANGES**

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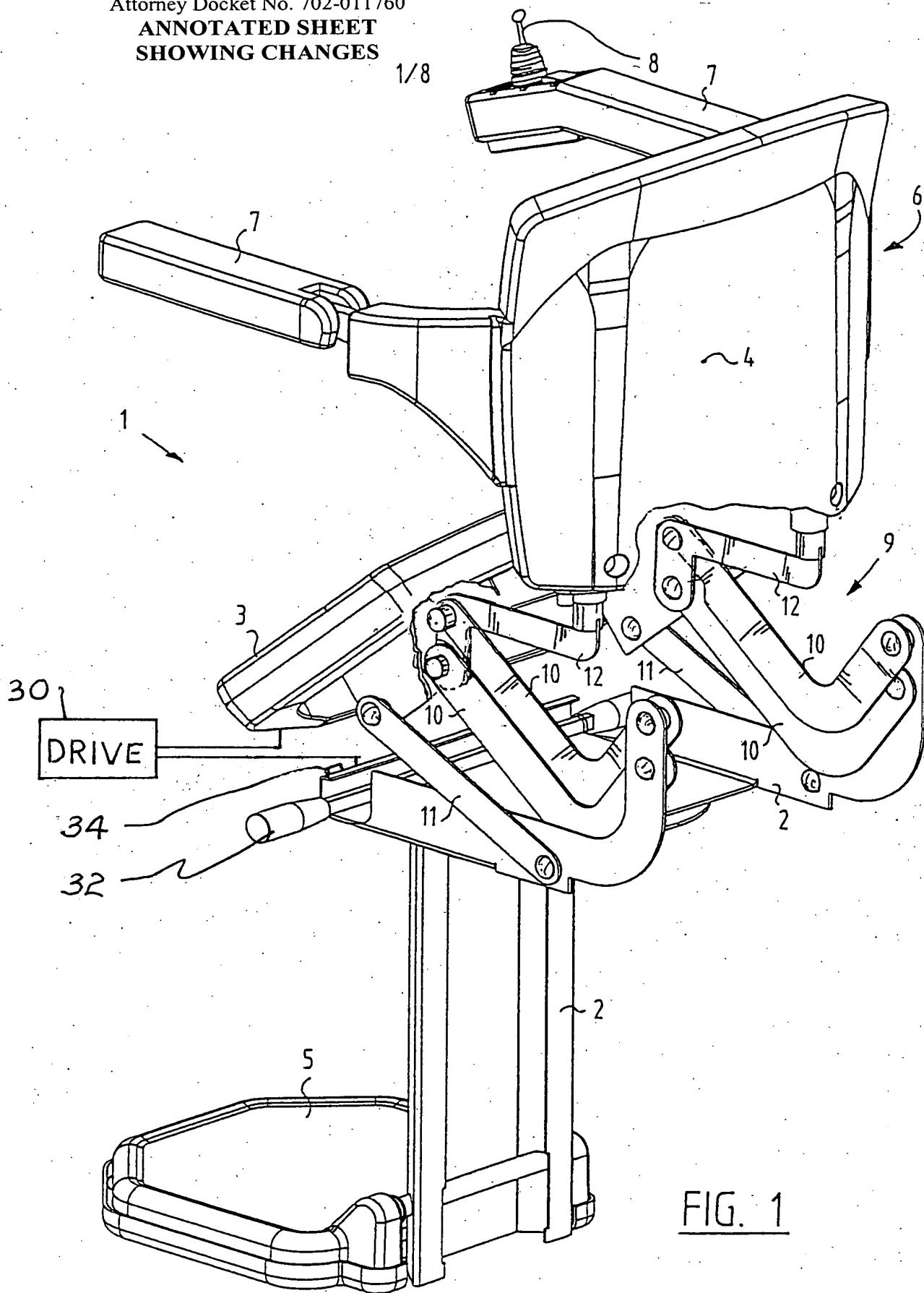


FIG. 1